

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COMMIL USA, LLC

v.

CISCO SYSTEMS, INC., ET AL

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CIVIL ACTION NO. 2:07-CV-341 (CE)

**Jury Trial Day Three
May 13, 2010**

OPEN: 8:34 a.m.

ADJOURN: 5:11 p.m.

ATTORNEYS FOR PLAINTIFF:

Richard "Dick" Sayles
Eve Henson
Chris Hogue
Mark Werbner
Mark Strachan

ATTORNEYS FOR DEFENDANTS:

Jeff Ostrow
Otis Carroll
Harrison "Buzz" Frahn
Patrick King
Mike Jones

LAW CLERK:

Jim Warriner

COURT REPORTER:

Shelly Holmes, CSR

COURTROOM DEPUTY:

Jan Lockhart

8:34 a.m. Court opened. The parties gave brief summaries of their case.

8:44 a.m. Mr. Frahn continued his direct examination of Mr. O'Hara.

8:49 a.m. The Court asked the witness further questions. The witness responded.

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8:50 a.m. Mr. Frahn continued his examination of Mr. O'Hara.

9:15 a.m. Mr. Werbner objection. The Court ruled.

9:26 a.m. Court admitted Defendant exhibits 1517-1521, 1523 1526, 1537 1538, 1539 and 1541.

9:35 a.m. Mr. Werbner conducted further examination of Mr. O'Hara. Mr. Frahn objected to the question. The Court ruled.

9:40 a.m. Mr. Frahn provided a date for the patent as August of 2002. The Court gave the witness instruction.

9:41 a.m. Mr. Frahn responded re optional completeness. Mr. Werbner continued his examination.

10:15 a.m Court recess until 10:35 a.m.

10:39 a.m. Court reconvened. Jury returned to courtroom. Mr. Werbner continued cross examination of Mr. O'Hara.

10:44 a.m. Mr. Frahn conducted re-direct examination of Mr. O'Hara.

10:49 a.m. The parties passed the witness. The Court conducted further examination of Mr. O'Hara.

10:55 a.m. Mr. Ostrow called Patrice Calhoun to testify. Mr. Calhoun was sworn and examined under oath.

11:20 a.m. Ms. Henson conducted cross examination of Mr. Calhoun.

12:00 p.m. Jury excused.

12:01 p.m. Court gave witness instruction.

12:05 p.m. Court recess until 1:15 p.m.

1:21 p.m. Court reconvened. Ms. Henson continued cross examination of Mr. Calhoun.

1:56 p.m. Mr. Haim Barak video deposition played by Defendant.

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2:04 p.m. Mr. David Cohen deposition played by Defendant.

2:07 p.m. Mr. Yuval Dovev deposition played by Defendant.

2:11 p.m. Mr. Frahn called Dr. James Lansford to testify. Dr. Lansford was previously sworn. Mr. Frahn conducted direct examination of Dr. Lansford.

2:53 p.m. Mr. Werbner conducted cross examination of Dr. Lansford.

3:11 p.m. Jury excused. Court recess until 3:30 p.m.

3:34 p.m. Court reconvened. Jury returned to courtroom. Mr. Werbner continued his cross examination of Dr. Lansford.

4:05 p.m. Mr. Frahn conducted re-direct examination of Dr. Lansford.

4:12 p.m. Mr. Werbner conducted cross examination of Mr. Lansford.

4:19 p.m. The parties passed the witness.

4:20 p.m. Mr. Carroll conducted direct examination of Dr. Becker.

4:34 p.m. Mr. Carroll tendered Dr. Becker as an expert. Mr. Strachan stated there were no objections.

4:39 p.m. Court reporter break.

4:40 p.m. Back on the record. Mr. Carroll continued his examination of Dr. Becker.

5:11 p.m. Jury excused. Court adjourned.